

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8289 OF 2004

Shri. Bajarang Dai Patil Petitioner

Versus

Ramchandra Ganpati Jangam
and Ors. Respondents

Mr. R.V. More for Petitioner.

Mr. Vijay Mane for Respondent Nos. 1 to 5.

CORAM : F.I. REBELLO, J.
DATED : OCTOBER 19, 2005

P.C.

. Rule. Heard forthwith.

. The scheme was finalised in the year 1961. After the death of the father, Petitioner has applied under Section 31A after 17 years. That was allowed. In the revision, the order stands set aside. Even assuming under Section 31A it was open for correcting the scheme, that could be done within the reasonable time. The reasonable time is set out in the Limitation Act. In the circumstances, the application for correction of the scheme therefore, was not maintainable. In the

light of that matter, even if there be some inconsistency in the order of Revisional Authority, this will not be a fit case for this Court to interfere in its extra ordinary jurisdiction considering that the application itself was belated and not maintainable. Hence, Rule discharged. No order as to costs.

. The learned counsel for the Petitioner states that the parties are intending to file civil suit for declaration of the right. If in law, it can be done, it will be open to the petitioners to file a suit and declaration can be sought for in the suit which will have its own consequences.

(F.I. REBELLO, J.)